

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CARDIONET, LLC,

and

BRAEMAR MANUFACTURING, LLC,

Plaintiffs,

v.

INFOBIONIC, INC.,

Defendant.

Civil Action No. 1:15-cv-11803-IT

Hon. Indira Talwani

**DEFENDANT INFOBIONIC'S MOTION FOR JUDGMENT ON THE PLEADINGS
THAT ALL ASSERTED CLAIMS OF U.S. PATENT NOS. RE43,767, 7,212,850,
7,907,996 AND 7,099,715 ARE INVALID UNDER 35 U.S.C. § 101**

Defendant InfoBionic moves for judgment on the pleadings that all asserted claims of U.S. Patent Nos. RE43,767, 7,212,850, 7,907,996 and 7,099,715 are invalid under 35 U.S.C. § 101. The asserted claims of these patents improperly monopolize age-old methods used by doctors to collect physiological data and monitor a patient's health by claiming implementation using conventional computer hardware and routine medical technology. In support, InfoBionic relies on the memorandum submitted concurrently with this motion, the accompanying declaration, and any further briefing and argument that may be permitted by the Court.

InfoBionic respectfully requests that the Court grant its motion by finding all asserted claims of U.S. Patent Nos. RE43,767, 7,212,850, 7,907,996 and 7,099,715 invalid as directed to patent-ineligible subject matter and dismiss Counts III, IV, V and VI of the Second Amended Complaint [#135] with prejudice.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), InfoBionic respectfully requests that the Court hold oral argument on this motion, as InfoBionic believes that oral argument will assist the Court.

Dated: July 1, 2016

Respectfully submitted,

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Counsel for Defendant InfoBionic, Inc.

LOCAL RULE 7.1 CERTIFICATION

I, Charles H. Sanders, counsel for Defendant InfoBionic, hereby certify that we have conferred with counsel for CardioNet to resolve or narrow the issues presented in this motion but, after good faith attempt, the parties reached no agreement.

Dated: July 1, 2016

By: /s/ Charles H. Sanders
Charles H. Sanders (BBO #646740)

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party via the Court's CM/ECF filing system.

Dated: July 1, 2016

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